

REMARKS

In accordance with the foregoing, claims 3, 5, 12, 13, 15, 18, 20, 28, and 30 are amended.

Claims 3, 13, 18, and 28 are amended to recite, using claim 3 as an example, a "single" diffraction grating. (See, for example FIG. 2). Claims 5, 12, 15, 20, and 30 are rewritten to independent form. No new matter is presented in any of the foregoing and, accordingly, approval and entry of the amended claims are respectfully requested.

Claims 1-32 are pending and under consideration.

ITEMS 10-12: ALLOWABLE SUBJECT MATTER

Claims 17 and 32 are allowed. (Action at page 10).

Claims 5-12, 15, 16, 20-27, 30 and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if suitably rewritten to independent form. (Action at page 10).

Applicant appreciates the indications of allowable subject matter. Claims 5, 12, 15, 20, and 30 are rewritten in independent form, with claims 6-11, 16, 21-27 and 31 being dependent respectively on the rewritten claims. Withdrawal of the objection is requested

ITEMS 3-7: REJECTION OF INDEPENDENT CLAIMS 3, 13, 18, AND 28 (AND RESPECTIVE DEPENDENT CLAIMS 4, 14, 19, AND 29) UNDER 35 U.S.C. §102(e) AS BEING ANTICIPATED BY ABE ET AL. (U.S.P. 6,084,843)

The Examiner rejects independent claims 3, 13, 18, and 28 (and respective dependent claims 4, 14, 18, 29) under 35 U.S.C. §102(e) as being anticipated by Abe. (Action at pages 3-6).

The rejection is traversed. Applicant submits that Abe does not support an anticipatory-type rejection by not discussing features recited in the present application's independent claims as a whole. As provided in MPEP §706.02 entitled Rejection on Prior Art, anticipation requires that the reference must discuss every aspect of a claimed invention.

Independent claims 3 and 13, both as amended, recite a compatible disk player, using claim 3 as an example, including "a first laser diode emitting a first laser beam to a first optical disk; a second laser diode emitting a second laser beam to a second optical disk; a single diffraction grating selectively splitting the first and the second laser beams into three rays depending on which optical disk is to be accessed, wherein the three rays comprise a main ray and two sub-rays; and a photo-detector selectively receiving the three rays of the first laser

beam and the three rays of the second laser beam at different detecting portions for data recording and/or reproduction and error detection and compensation, wherein the detecting portions comprise a central detecting portion and two peripheral detecting portions."

Independent claims 18 and 28, both as amended, recite a method including "selectively splitting the first and the second laser beams into three rays depending on which optical disk is to be accessed with a single diffraction grating."

The Examiner contends Abe discusses:

as in claim 3, a first laser diode 21A emitting a first laser beam to a first optical disk 41A (Fig. 10); (and) . . . a second laser diode 21B emitting a second laser beam to a second optical disc 41B (FIG. 10).

(Action at page 3).

The Examiner further contends that Abe discusses:

as in claim 3, a diffraction grating 112A selectively splitting the first and the second laser beams into three rays . . . (Figs. 3, 6 and 7; diffractive grating 112A splits a light beam into zero order and plus, minus 1st order rays).

(Action at page 4).

Applicant respectfully submits that the Examiner is incorrectly supporting the rejections by citing isolated elements discussed in Abe and reconstructing these elements in a manner that is not discussed in the examples and embodiments discussed by Abe.

FIG. 10 for which the Examiner cites the first and second laser diodes is identified by Abe as an example "configuration of a first embodiment of the optical disc drive according to the present invention." On the other hand diffraction grating 112A is only discussed by Abe as part of "an example of the conventional optical pick-up configuration." (See, col. 4, lines 58-60).

That is, Abe does not discuss a disk player (or method) including a first laser diode emitting a first laser beam and a second laser diode emitting a second laser beam and a single diffraction grating selectively splitting the first and the second laser beams into three rays.

Summary

Since features recited by independent claims 3, 13, 18, and 28 (and respective dependent claims 4, 14, 19, 29) are not discussed by Abe, the rejection should be withdrawn and claims 3-4, 13-14, 18-19, and 28-29 allowed.

ITEMS 8-9: REJECTION OF CLAIMS 1-2 UNDER 35 US §103(a) AS BEING UNPATENTABLE OVER KAJIYAMA ET AL. (U.S.P. 6,552,990) IN VIEW OF ABE.

The Examiner rejects independent claim 1 and dependent claim 2 under 35 U.S.C. §103(a) as being unpatentable over Kajiyama in view of Abe. (Action at pages 3-5).

The rejection is traversed. The Action concedes that Kajiyama does not teach recited features including:

(a) photo-detector 8 having at least a first detecting portion and a second detection portion; as in claim 1, the first detection portion at a first location receiving the main ray of the first laser beam; and (c) as in claim 1, the second detection portion is at a different location receiving the main ray of the second laser beam.

(Action at pages 8-9).

However, the Examiner contends there is motivation to replace the photodetector 8 taught by Kajiyama with Abe's photodetector 28A, 28B because:

first detecting portion 28B has a photodetecting element layout designed as differential phase detection system for detecting light beams reflected from a DVD and the second detecting portion 28A has a photodetecting element layout designed as a three beam detection system for detecting light beams reflected from a CD.

Applicant submits there is no motivation or reasonable chance of success to modify Kajiyama as the Examiner contends. As provided in MPEP §2144. 04:

The mere fact that a worker in the art could rearrange the parts of the reference device . . . is not by itself sufficient to support a finding of obviousness. The prior art must provide a motivation . . . without the benefit of appellant's specification, to make the necessary changes in the reference device.

Kajiyama discusses:

a collimator lens 3 arranged between rising mirror 4 and half mirror 2 for collimating the laser beam directed from semiconductor laser 1; and a photodetector 8 receiving the laser beam reflected by the optical disk.

(See, col. 7, lines 60-68). Further, Kajiyama discusses that:

determining circuit 14 identifies the type (the DVD, CD-ROM or CD-R) of the optical disk mounted to the apparatus in response to the applied reproduced signal, and applies the identification result to instructing circuit 15 . . . Control circuit 19 controls semiconductor laser driving circuit 18 such that laser chips 1a and 1b are switched in accordance with the instruction from instructing circuit 15.

(See, col. 8, starting at line 40).

Given the systems discussed by Kajiyama, there is no reasonable chance of success or motivation to replace the photo detector discussed by Kajiyama and thus require a redesign of the remaining components device, as the Examiner contends..

Summary

Since *prima facie* obviousness is not established, the rejection should be withdrawn and claims 1-2 allowed.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the

Serial No. 09/852,002

application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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